UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,653	03/29/2004	Cezary Marcjan	MS307118.01 / MSFTP639US	2412

			EXAMINER
27195	7590	11/20/2006	WOO, ISAAC M

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ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/6/04 12/19/05*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is response to the application filed, on March 29, 2004. Claims 1-37

are presented for examination.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 1-22 and 33-37 are rejected under 35 U.S.C. § 101 because the claimed

invention is directed to non-statutory subject matter.

As set forth in MPEP 2106 (II) (A):

A. Identify and Understand Any Practical Application Asserted for the

Invention

The claimed invention as a whole must accomplish a practical

application. That is, it must produce a "useful, concrete and tangible

result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of

this requirement is to limit patent protection to inventions that possess a

certain level of "real world" value, as opposed to subject matter that

represents nothing more than an idea or concept, or is simply a starting

point for future investigation or research (Brenner v. Manson, 383 U.S. 519,

528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26

USPQ2d 1600,1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure
should contain some indication of the practical application for the claimed
invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under
the patent eligibility standard requires significant functionality to be
present to satisfy the useful result aspect of the practical application
requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely
claiming nonfunctional descriptive material stored in a computer-readable
medium does not make the invention eligible for patenting. For example, a
claim directed to a word processing file stored on a disk may satisfy the
utility requirement of 35 U.S.C. 101 since the information stored may have
some "real world" value. However, the mere fact that the claim may satisfy
the utility requirement of 35 U.S.C. 101 does not mean that a useful result
is achieved under the practical application requirement. The claimed
invention as a whole must produce a "useful, concrete and tangible" result to
have a practical application.

Claims 1-22 and 33-37 are non-statutory. Because claims 1, 16 and 33, are
system claims. "means for ...." , which does not include *physical structure of the*
machine in terms of its hardware or hardware and software combination. Therefore,
claims 1-22 and 33-37 are software per se. Thus, the claims 1-22 and 33-37 are not a
statutory and should be rejected under 35 U.S. C. § 101 as not being tangible.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Conklin

(U.S. Patent No. 6,415,283).

With respect to clam 1, Conklin teaches a data structure having a plurality of data

nodes (fig. 2, col. 4, lines 5-59); a valuation component that assigns a valuation to one

or more of the data nodes in accordance with a predetermined metric (col. 1, lines 63-

67 to col. 2, lines 1-20); and a description component that generates a description that

represents at least one of the one or more data nodes that is selected according to the

metric (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 2, Conklin teaches the data structure is hierarchical (fig. 2,

col. 4, lines 5-59).

With respect to clam 3, Conklin teaches selection component that selects which

of the one or more data nodes is processed for viewing (col. 7, lines 1-60).

With respect to clam 4, Conklin teaches the metric is associated with observed

user activity (col. 7, lines 1-60).

With respect to clam 5, Conklin teaches the selected data node is represented by

the description, which description is a one-dimensional view (fig. 2, col. 4, lines 5-59).

With respect to clam 6, Conklin teaches data structure is associated with at least

one of an operating system and a data repository (fig. 9, col. 17, lines 13-65).

With respect to clam 7, Conklin teaches the selected data node is associated

with a play list (fig. 2, col. 4, lines 5-59).

With respect to clam 8, Conklin teaches the valuation is presented as at least

one of a number, image data, audio data, coloration, and a character string (fig. 2, col.

4, lines 5-59).

With respect to clam 9, Conklin teaches one or more data nodes are at least one

of local to a first computing system, located remote from the first computing system, and

distributed across multiple computing systems (fig. 9, col. 17, lines 13-65).

With respect to clam 10, Conklin teaches the description can be used to navigate to the associated data node by hyperlinking the description to the corresponding data node (fig. 9, col. 17, lines 13-65).

With respect to clam 11, Conklin teaches for determining the valuation, which plurality of metrics include time created, that the node was accessed, time the node was accessed, that the node was modified, when the node was modified, that the node was copied, when the node was copied, an access frequency, and a number of unique users who have accessed the node (col. 6, lines 5-67).

With respect to clam 12, Conklin teaches the selected data node has the highest valuation node (fig. 9, col. 17, lines 13-65).

With respect to clams 13-14, Conklin teaches computer readable medium having stored thereon computer executable instructions (fig. 9, col. 17, lines 13-65).

With respect to clam 15, Conklin teaches automation of selected operations for the generation of the meaningful description by making an inference based on at least the metric associated with the one or more data nodes (col. 6, lines 5-67).

With respect to clam 16, Conklin teaches a hierarchical data structure having a plurality of data nodes (fig. 2, col. 4, lines 5-59); a valuation component that assigns a

valuation to one or more of the data nodes in accordance with a predetermined metric

based one least on observed activity (col. 1, lines 63-67 to col. 2, lines 1-20); selection

component that selects at least one of the one or more data nodes with desired

valuation (fig. 2-4, col. 4, lines 1-67 to col. 5, lines 1-65); and naming component that

generates a description that represents at least one of the one or more data nodes that

is selected according to the metric (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 17, Conklin teaches the selected data node is represented

by the description, which description is a one-dimensional view (fig. 2, col. 4, lines 5-

59).

With respect to clam 18, Conklin teaches data structure is associated with at

least one of an operating system and a data repository (fig. 9, col. 17, lines 13-65).

With respect to clam 19, Conklin teaches the valuation is presented as at least

one of a number, image data, audio data, coloration, and a character string (fig. 2, col.

4, lines 5-59).

With respect to clam 20, Conklin teaches selected data node is associated with a

data path, which data path is defined by multiple data nodes each having one or more

node designations, the one or more node designations are processed by the naming

component to generate a one-dimensional representation of the selected node (fig. 3,

col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 21, Conklin teaches naming component generates a

plurality of flattened one-dimensional meaningful name outputs that correspond to

multiple nodes that have been selected according to the assigned valuation (fig. 3, col.

4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 22, Conklin teaches the one or more names include

metadata information representative of at least one of location data, relative time,

recency, reoccurrence, and classification type (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-

63).

With respect to clams 23 and 33, Conklin teaches receiving a data structure

having a plurality of nodes (fig. 2, col. 4, lines 5-59); processing observed user activity

associated with the plurality of nodes (col. 1, lines 63-67 to col. 2, lines 1-20); assigning

a valuation to each of the plurality of nodes (fig. 2-4, col. 4, lines 1-67 to col. 5, lines 1-

65); selecting one or more of the plurality of nodes that is associated with a

predetermined valuation limit (fig. 2-4, col. 4, lines 1-67 to col. 5, lines 1-65); extracting

node metadata that is associated with the one or more selected nodes (fig. 2-4, col. 4,

lines 1-67 to col. 5, lines 1-65); and generating a meaningful name for each of the one

or more selected nodes based on the respective node metadata (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 24, Conklin teaches outputting the meaningful name as a one-dimensional view (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to claim 25, Conklin teaches node metadata is in the format of at least one of a number, image data, audio data, a character string, and a word (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 26, Conklin teaches the data structure is a hierarchical data structure (fig. 2, col. 4, lines 5-59);

With respect to clam 27, Conklin teaches learning a new observed user activity associated with the plurality of nodes; and assigning a new valuation for each of the plurality of nodes (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 28, Conklin teaches filtering out unimportant node metadata (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 29, Conklin teaches generating a first set of meaningful names for a first user and a second set of meaningful names for a second user, wherein

the first and second sets of meaningful names are generated from the data structure

and one of the same and different (fig. 3, col. 4, lines 60-67 to col. 5, lines 1-63).

With respect to clam 30, Conklin teaches detecting a format of the node

metadata; and generating the meaningful name in at least one of the same format, a

different format, and a combination of the same format and the different format (fig. 2-4,

col. 4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 31, Conklin teaches the meaningful names are generated

using at least one of a folder name and a file name that are associated with the each

node of the plurality of nodes (fig. 2-4, col. 4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 32, Conklin teaches analyzing text of a document that is

associated with the selected node; and generating a meaningful name of that selected

node based on a frequency that a word is used in the text of the document (fig. 2-4, col.

4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 34, Conklin teaches analyzing descriptors of one or more

files and filenames that are associated with the selected node; and generating a

meaningful name based on the descriptors associated with the files and filenames (fig.

2-4, col. 4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 35, Conklin teaches the descriptors are in the format of at

least one of a number, image data, audio data, a character string, and a word (fig. 2-4,

col. 4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 36,. Conklin teaches learning a new observed user activity

associated with the plurality of nodes; updating the observed user activity with the new

observed user activity; and assigning a new valuation for each of the plurality of nodes

based on the new observed user activity (fig. 2-4, col. 4, lines 1-67 to col. 5, lines 1-65).

With respect to clam 37, Conklin teaches the meaningful name includes

metadata information representative of at least one of location data, relative time,

recency, reoccurrence, and classification type (fig. 2-4, col. 4, lines 1-67 to col. 5, lines

1-65).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Woo
November 16, 2006